

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael P. Cockrill et al.

Application No.: 09/932,364

Group No.: 3693

Filed: 08/17/2001

Examiner: Weis, Samuel

For: ELECTRONIC COMMERCE USING A TRANSACTION NETWORK

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF  
(PATENT APPLICATION—37 C.F.R. § 41.37)

1. This brief is in furtherance of the Notice of Appeal filed 06/11/2008, a substitute for the Appeal Brief filed 09/17/2008, and in response to the Notification of Non-Compliant Appeal Brief mailed on 12/23/2008.

2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

other than a small entity	\$540.00
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<b>Appeal Brief fee due</b>	<b>\$540.00</b>
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4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee	\$540.00 (previously paid on 09/17/2008)
Extension fee (if any)	\$0.00

<b>TOTAL FEE DUE</b>	<b>\$540.00</b>
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6. FEE PAYMENT

Applicant believes that no fees are due in connection with the filing of this paper because the Appeal Brief fee was paid with a previous submission. However, the Commissioner is authorized to charge any additional fees that may be due (e.g. for any reason including, but not limited to, fee changes, etc.) to Deposit Account No. 50-1351 (Order No. AMDCP061).

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. AMDCP061).

Date: January 23, 2009

/KEVINZILKA/

Signature of Practitioner

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**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	
	)	
Cockrill et al.	)	Group Art Unit: 3693
	)	
Application No. 09/932,364	)	Examiner: Weis, Samuel
	)	
Filed: 08/17/2001	)	Atty. Docket No.:
	)	AMDCP061
For: ELECTRONIC COMMERCE USING A	)	
TRANSACTION NETWORK	)	Date: 01/23/2009
	)	
	)	

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTENTION: Board of Patent Appeals and Interferences**

**SUBSTITUTE APPEAL BRIEF (37 C.F.R. § 41.37)**

This brief is in furtherance of the Notice of Appeal filed 06/11/2008, a substitute for the Appeal Brief filed 09/17/2008, and in response to the Notification of Non-Compliant Appeal Brief mailed on 12/23/2008 (see attached). While appellant disagrees with the Examiner as to whether the alleged deficiencies exist in the original Appeal Brief, a Substitute Appeal Brief with appropriate edits is nevertheless submitted to expedite prosecution.

The fees required under § 1.17, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 41.37(c)(i)):

**I REAL PARTY IN INTEREST**

II	RELATED APPEALS AND INTERFERENCES
III	STATUS OF CLAIMS
IV	STATUS OF AMENDMENTS
V	SUMMARY OF CLAIMED SUBJECT MATTER
VI	GROUND OF REJECTION TO BE REVIEWED ON APPEAL
VII	ARGUMENT
VIII	CLAIMS APPENDIX
IX	EVIDENCE APPENDIX
X	RELATED PROCEEDING APPENDIX

The final page of this brief bears the practitioner's signature.

**I REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))**

The real party in interest in this appeal is QPass, Inc.

## **II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c) (1)(ii))**

With respect to other prior or pending appeals, interferences, or related judicial proceedings that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no other such appeals, interferences, or related judicial proceedings.

A Related Proceedings Appendix is appended hereto.

### **III STATUS OF CLAIMS (37 C.F.R. § 41.37(c) (1)(iii))**

#### **A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 51, 53, 55, 58, 60, 61, and 64

#### **B. STATUS OF ALL THE CLAIMS IN APPLICATION**

1. Claims withdrawn from consideration: None
2. Claims pending: 51, 53, 55, 58, 60, 61, and 64
3. Claims allowed: None
4. Claims rejected: 51, 53, 55, 58, 60, 61, and 64
5. Claims cancelled: 1-50, 52, 54, 56, 57, 59, 62, and 63

#### **C. CLAIMS ON APPEAL**

The claims on appeal are: 51, 53, 55, 58, 60, 61, and 64

See additional status information in the Appendix of Claims.

**IV STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))**

As to the status of any amendment filed subsequent to final rejection, the Amendment submitted on 10/15/2007 was entered by the Examiner.



## **V SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))**

With respect to a summary of Claim 51, as shown in Figures 8, and 9 et al., a method in a computer system is provided for identifying a user using a user computer system among a group of users. In use, (a) a user is registered by (1) obtaining a member identifier for the user and (2) storing a unique identifier for the user on a user computer system in conjunction with the obtained member identifier after obtaining the member identifier (e.g. see operation 805 of Figure 8, etc.). Additionally, (b) the user is identified by (1) soliciting the member identifier of the user from the user, (2) receiving the member identifier of the user (e.g. see operation 901 of Figure 9, etc.), (3) reading from the user computer system the unique identifier stored in conjunction with the member identifier received (e.g. see operations 902 and 903 of Figure 9, etc.), and (4) identifying the user using the unique identifier. Further, the method is practiced on behalf of a first online service. Further still, obtaining the member identifier for the user comprises obtaining for the user a member identifier used by the user to identify the user to a second online service that is distinct from the first online service. Also, a plurality of users that have a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users. In addition, the user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user (e.g. see operations 904, and 905 of Figure 9, etc.). Furthermore, the unique identifier includes an electronic mail address. See, for example, page 6, lines 24-26, page 8, lines 4-18, and page 12, lines 6-8 and 20-22 et al.

With respect to a summary of Claim 58, as shown in Figures 8, and 9 et al., a computer program embodied on a tangible computer readable medium is provided for identifying a user using a user computer system among a group of users. The computer program comprises (a) computer code for registering a user by (1) obtaining a member identifier for the user and (2) after obtaining the member identifier, storing a unique identifier for the user on a user computer system in conjunction with the obtained member identifier (e.g. see operation 805 of Figure 8, etc.). Additionally, the computer program comprises computer code for identifying the user by (1) soliciting the member identifier of the user from the user, (2) receiving the member identifier of the user (e.g. see operation 901 of Figure 9, etc.), (3) reading from the user computer system the unique identifier stored in conjunction with the received member identifier (e.g. see operations

902 and 903 of Figure 9, etc.), and (4) identifying the user using the unique identifier. Further, the computer program is executed on behalf of a first online service. Further still, obtaining the member identifier for the user comprises obtaining for the user a member identifier used by the user to identify the user to a second online service that is distinct from the first online service. Also, a plurality of users that have a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users. In addition, the user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user (e.g. see operations 904, and 905 of Figure 9, etc.). Furthermore, the unique identifier includes an electronic mail address. See, for example, page 6, lines 24-26, page 8, lines 4-18, and page 12, lines 6-8 and 20-22 et al.

With respect to a summary of Claim 64, as shown in Figures 8, and 9 et al., a system is provided for identifying a user using a user computer system among a group of users. The system comprises (a) means (e.g. see item 340 of Figure 6, etc.) for registering a user by (1) obtaining a member identifier for the user and (2) after obtaining the member identifier, storing a unique identifier for the user on a user computer system in conjunction with the obtained member identifier (e.g. see operation 805 of Figure 8, etc.). Additionally, the system comprises (b) means (e.g. see item 340 of Figure 6, etc.) for identifying the user by (1) soliciting the member identifier of the user from the user, (2) receiving the member identifier of the user (e.g. see operation 901 of Figure 9, etc.), (3) reading from the user computer system the unique identifier stored in conjunction with the member identifier received (e.g. see operations 902 and 903 of Figure 9, etc.), and (4) identifying the user using the unique identifier. Further, (a) and (b) operates on behalf of a first online service. Further still, obtaining the member identifier for the user comprises obtaining for the user a member identifier used by the user to identify the user to a second online service distinct from the first online service. Also, a plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users. In addition, the user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user (e.g. see operations 904, and 905 of Figure 9, etc.). Furthermore, the unique identifier includes an electronic mail address. See, for example, page 6, lines 24-26, page 8, lines 4-18, page 12, lines 6-8 and 20-22, and page 15, lines 15-27 et al.

Of course, the above citations are merely examples of the above claim language and should not be construed as limiting in any manner.

**VI GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. § 41.37(c)(1)(vi))**

Following, under each issue listed, is a concise statement setting forth the corresponding ground of rejection.

Issue # 1: The Examiner has rejected Claims 51, 53, 55, 58, 60, 61, and 64 under 35 U.S.C. 112, second paragraph.

Issue # 2: The Examiner has rejected Claims 51, 53, 55, 58, 60, 61, and 64 under 35 U.S.C. 103(a) as being unpatentable over Teper et al. (U.S. Patent No. 5,815,665), in view of Goldman et al. (U.S. Patent No. 5,684,951).

## **VII ARGUMENT (37 C.F.R. § 41.37(c)(1)(vii))**

The claims of the groups noted below do not stand or fall together. In the present section, appellant explains why the claims of each group are believed to be separately patentable.

### Issue # 1:

The Examiner has rejected Claims 51, 53, 55, 58, 60, 61, and 64 under 35 U.S.C. 112, second paragraph.

#### *Group #1: Claims 51, 53, 55, 58, 60, 61, and 64*

The Examiner has rejected Claims 51, 53, 55, 58, 60, 61, and 64 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention. More specifically, the Examiner has argued that “[t]he language ‘on behalf of’ is vague and indefinite.”

Appellant respectfully disagrees and asserts that the claimed “on behalf of” in all of the pertinent claims is to be read with regards to its plain and ordinary meaning, as evidenced by dictionary definitions, etc. For example, one dictionary definition of “on behalf of” is “[a]s the agent of; on the part of” (*The American Heritage® Dictionary of the English Language, Fourth Edition*). Therefore, appellant’s Claims 51, 53, 55, 58, 60, 61, and 64 are clearly definite.

### Issue # 2:

The Examiner has rejected Claims 51, 53, 55, 58, 60, 61, and 64 under 35 U.S.C. 103(a) as being unpatentable over Teper et al. (U.S. Patent No. 5,815,665), in view of Goldman et al. (U.S. Patent No. 5,684,951).

#### *Group #1: Claims 51, 53, 58, 60, and 64*

With respect to the independent claims, the Examiner has relied on the Abstract from Teper, and particularly Teper's disclosure of an online brokering service, to make a prior art showing of appellant's claimed technique "wherein the method is practiced on behalf of a first online service" (see the same or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that the Abstract from Teper merely discloses an "Online Brokering Service [that] provides user authentication and billing services," where "[u]sers...initially register with the Brokering Service." However, Teper further teaches that "when a user connects to a registered SP [(Service Provider)] site and attempts to access an online service, the SP site initiates a challenge-response authentication sequence which allows the Online Brokering Service to authenticate the user for the SP site" (Col. 3, lines 5-9-emphasis added). Specifically, "the SP site sends a challenge message to the user's computer over the distributed network (e.g., the Internet), and the user computer responds by generating and returning a cryptographic response message" (Col. 3, lines 9-13). In addition, "[t]he SP site forwards the response message to the Online Broker site along with the user's unique ID (which the SP site obtains from the user computer) and the original challenge message," in order for the "Online Brokering Service...to determine whether the response message was properly generated, and to thereby authenticate the user" (Col. 3, line 19-25-emphasis added).

Thus, Teper expressly discloses that a user registers with a brokering service, but that when a user connects to a service provider site, the service provider site sends the challenge message, receives the response message, and forwards such response message to the separate online broker site (see Figure 1). Clearly, Teper discloses two different sites, an online broker site that registers a user, and a service provider site that receives a response message from the user when the user connects to the service provider site and forwards such message to the online broker site for authenticating the user. Appellant emphasizes that use of the service provider site and the online broker site, as in Teper, fails to meet appellant's specifically claimed "method [that] is practiced on behalf of a first online service," where the method comprises both "registering a user" and "identifying the user by: (1) soliciting from the user the member identifier of the user; (2) [and] receiving the member identifier of the user" (see the same or similar, but not

necessarily identical language in the independent claims-emphasis added - emphasis added), in the context claimed by appellant.

In the Advisory Action mailed 11/20/2007, the Examiner has generally argued that “Teper discloses a method, system, and computer program for identifying a user using a user computer system among a group of users, comprising: registering and identifying the user.” The Examiner has also argued that “Teper further discloses multiple online services (Service Provider sites and online brokering service) where the user logs in using standard parameters (passwords, challenge questions, etc. called unique identifier by [appellant]),” and that “Teper provides authentication for multiple users simultaneously.”

Appellant respectfully disagrees. Only generally alleging that Teper discloses multiple online services, as noted by the Examiner, fails to specifically meet appellant’s claimed “method [that] is practiced on behalf of a first online service,” where the method comprises both “registering a user” and “identifying the user by: (1) soliciting from the user the member identifier of the user; (2) [and] receiving the member identifier of the user” (emphasis added), in the context claimed by appellant.

Appellant again emphasizes, as noted above, that Teper expressly discloses that a user registers with a brokering service, but that when a user connects to a service provider site, the service provider site sends the challenge message, receives the response message, and forwards such response message to the separate online broker site (see Figure 1). Thus, Teper clearly discloses two separate services, one which registers a user and the other which receives a response to a challenge message, which simply does not meet appellant’s claimed “method [that] is practiced on behalf of a first online service,” where the method comprises both “registering a user” and “identifying the user by: (1) soliciting from the user the member identifier of the user; (2) [and] receiving the member identifier of the user” (emphasis added), in the context claimed by appellant.

In the Office Action mailed 03/11/2008, the Examiner has stated that “[appellant’s] arguments... have been considered but are moot in view of the new ground(s) of rejection,” but has continued

to rely upon the Abstract from Teper, as relied upon in the previous Office Action mailed 08/13/2007. Therefore, the Examiner has failed to respond to appellant's above arguments with respect to appellant's claimed technique "wherein the method is practiced on behalf of a first online service." Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

In addition, with respect to the independent claims, the Examiner has relied on the Abstract of Teper, and in particular the online brokering service disclosed by Teper, to make a prior art showing of appellant's claimed technique "wherein a plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users" (see the same or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that the Abstract from Teper, as relied on by the Examiner, merely discloses an "Online Brokering Service [that] provides user authentication and billing services to allow users to anonymously and securely purchase online services from Service Providers (SP) sites (e.g., World Wide Web sites) over a distributed public network." Clearly, only generally disclosing allowing users to anonymously and securely purchase online services, as in Teper, fails to even suggest "a plurality of users having a same user computer system," let alone that such a "plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users" (emphasis added), as specifically claimed.

In the Advisory Action mailed 11/20/2007, the Examiner has generally argued that "Teper discloses a method, system, and computer program for identifying a user using a user computer system among a group of users, comprising: registering and identifying the user." The Examiner has also argued that "Teper further discloses multiple online services (Service Provider sites and online brokering service) where the user logs in using standard parameters (passwords, challenge questions, etc. called unique identifier by [appellant])," and that "Teper provides authentication for multiple users simultaneously."



Appellant respectfully disagrees. First, appellant respectfully asserts that simply alleging that Teper discloses identifying a user that uses a user computer system among a group of users, as noted by the Examiner, fails to meet appellant's claimed "plurality of users having a same user computer system [that] are registered by repeating (a)(1)-(a)(2) for each of the plurality of users" (emphasis added), as specifically claimed. Second, appellant points out that Figure 1 of Teper clearly shows a separate user computer system for each user, which does not suggest, and even seems to *teach away* from, appellant's claimed "plurality of users having a same user computer system" (emphasis added), as specifically claimed.

In the Office Action mailed 03/11/2008, the Examiner has stated that "[appellant's] arguments... have been considered but are moot in view of the new ground(s) of rejection," but has continued to rely upon the Abstract from Teper, as relied upon in the previous Office Action mailed 08/13/2007. Therefore, the Examiner has failed to respond to appellant's above arguments with respect to appellant's claimed technique "wherein a plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users." Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Also with respect to the independent claims, the Examiner has relied on Col. 6, lines 4-13 in Teper to make a prior art showing of appellant's claimed technique "wherein the user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user" (see the same or similar, but not necessarily identical language in the independent claims).

Appellant respectfully asserts that the excerpt from Teper relied on by the Examiner only discloses that "[t]he user registers with the Online Broker by providing various user information (name, address, phone number, etc.) and payment information (credit card number, purchase order instructions, etc.) to the Broker," and that "[t]he user additionally agrees to a contract, and establishes a personal password that is known only by the user and the Broker." (Col. 6, lines 4-10). In addition, the excerpt teaches that "the Broker assigns a unique ID that can be mapped to the user only by the Broker, and provides the user with the client software components of the

system” (Col. 6, lines 10-13). Therefore, appellant respectfully points out that such excerpt from Teper only relates to a user registering with the online broker, which simply does not even suggest that “the user is authenticated to the first online service” (emphasis added), as claimed.

In fact, appellant notes that Teper only discloses that “when a user initially connects to an SP site, the SP site transmits a challenge message over the public network to the user computer, and the user computer generates and returns [a] cryptographic response message (preferably generated using a password of the user)” (Abstract). In addition, Teper teaches that the “SP site then passes the response message to the Brokering Service, which in-turn looks up the user’s password and authenticates the response message,” such that “[i]f the response message is authentic, the Online Brokering Service transmits an anonymous ID to the SP site, which can be used for subsequently billing the user” (Abstract-emphasis added). Thus, Teper only discloses authenticating the response message, and does not teach that a “user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user” (emphasis added), as specifically claimed.

In the Advisory Action mailed 11/20/2007, the Examiner has generally argued that “Teper discloses a method, system, and computer program for identifying a user using a user computer system among a group of users, comprising: registering and identifying the user.” The Examiner has also argued that “Teper further discloses multiple online services (Service Provider sites and online brokering service) where the user logs in using standard parameters (passwords, challenge questions, etc. called unique identifier by [appellant]),” and that “Teper provides authentication for multiple users simultaneously.”

Appellant respectfully disagrees. As noted above, Teper only discloses that “when a user initially connects to an SP site, the SP site transmits a challenge message over the public network to the user computer, and the user computer generates and returns [a] cryptographic response message (preferably generated using a password of the user)” (Abstract-emphasis added). In addition, Teper teaches that the “SP site then passes the response message to the Brokering Service, which in-turn looks up the user’s password and authenticates the response message,” such that “[i]f the response message is authentic, the Online Brokering Service transmits an

anonymous ID to the SP site, which can be used for subsequently billing the user” (Abstract-emphasis added). Clearly, only disclosing that a response message is generated using a password of the user, and that an anonymous ID is transmitted to an SP site, as in Teper, fails to specifically teach that a “user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user” (emphasis added), as specifically claimed.

In fact, appellant notes that Teper discloses “the online services available on the Web sites are accessed by the user using a single account (e.g., username and/or password) established between the user and the Online Broker” (Col. 2, lines 45-48). Only disclosing that online services are accessible using a username and/or password, as in Teper, clearly fails to meet appellant’s claimed “user [that] is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user” (emphasis added), as specifically claimed.

In the Office Action mailed 03/11/2008, the Examiner has stated that “[appellant’s] arguments... have been considered but are moot in view of the new ground(s) of rejection,” but has continued to rely upon Col. 6, lines 4-13 from Teper, as relied upon in the previous Office Action mailed 08/13/2007. Therefore, the Examiner has failed to respond to appellant’s above arguments with respect to appellant’s claimed technique “wherein the user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user.” Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Further, with respect to the independent claims, the Examiner has relied on the Abstract, Figures 3-9, and Cols. 5-11 in Goldman to make a prior art showing of appellant’s claimed technique “wherein the unique identifier includes an electronic mail address.”

Appellant respectfully notes that the above excerpts relied on by the Examiner merely disclose that a “[f]or each registered user, the application stores a user identification, an email (electronic mail) address, and a database containing each authorized IP address for that user” (Abstract –

emphasis added). Further, the excerpts disclose that a “user validation system 310a of the present invention maintains a database having an entry for each authorized user,” where “[e]ach entry includes the user's identification (user ID), the user's email address, and each IP address for which the user is authorized,” and where “[t]he user's email address is known to the user validation system 310a upon user registration” (Col. 6, lines 12-19 – emphasis added). Additionally, the excerpts disclose that a “user terminal system 112 (FIG. 1) is used by the user to originate access requests to the application system 310 (which contains validation system 310a)” (Col. 5, lines 38-40 – emphasis added).

However, merely disclosing that an application stores a user identification and an email address, in addition to disclosing that a user validation system maintains a database of entries that include a user's email address, where the user's email address is known to the user validation system upon user registration, and where the user requests access to the application system which contains the user validation system, as in Goldman, does not teach that “the unique identifier includes an electronic mail address,” where the “unique identifier for the user [is stored] on a user computer system in conjunction with the obtained member identifier” (see this or similar, but not necessarily identical language in the independent claims – emphasis added), in the context as claimed by appellant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

*Group #2: Claims 55 and 61*

With respect to Claims 55 et al., the Examiner has relied on Col. 3, lines 5-19 in Teper to make a prior art showing of appellant's claimed technique "wherein obtaining for the user the member identifier used by the user to identify the user to the second online service comprises obtaining the member identifier from an operator of the second online service."

Appellant respectfully notes that the excerpt relied on by the Examiner merely discloses that "when a user connects to a registered SP site and attempts to access an online service, the SP site initiates a challenge-response authentication sequence which allows the Online Brokering Service to authenticate the user for the SP site" (Col. 3, lines 5-9 – emphasis added). Additionally, the excerpt discloses that "the SP site sends a challenge message to the user's computer over the distributed network (e.g., the Internet), and the user computer responds by generating and returning a cryptographic response message," where "[t]he cryptographic response message is preferably based on both the challenge message and the user's password" (Col. 3, lines 9-15 – emphasis added).

However, merely disclosing a challenge-response authentication sequence between an SP site and a user, where the site sends a challenge message and the user responds with a response message, as in Teper, fails to disclose a technique "wherein obtaining for the user the member identifier used by the user to identify the user to the second online service comprises obtaining the member identifier from an operator of the second online service" (emphasis added), as claimed by appellant. Merely obtaining a response message from a user, as in Teper, does not teach "obtaining the member identifier from an operator of the second online service" (emphasis added), as specifically claimed by appellant.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

**VIII CLAIMS APPENDIX (37 C.F.R. § 41.37(c)(1)(viii))**

The text of the claims involved in the appeal (along with associated status information) is set forth below:

51. (Previously Presented) A method in a computer system for identifying a user using a user computer system among a group of users, the method comprising:

(a) registering a user by:

(1) obtaining for the user a member identifier; and

(2) after obtaining the member identifier, storing a unique identifier for the user on a user computer system in conjunction with the obtained member identifier; and

(b) identifying the user by:

(1) soliciting from the user the member identifier of the user;

(2) receiving the member identifier of the user;

(3) reading from the user computer system the unique identifier stored in conjunction with the member identifier received; and

(4) identifying the user using the unique identifier;

wherein the method is practiced on behalf of a first online service;

wherein obtaining for the user the member identifier comprises obtaining for the user a member identifier used by the user to identify the user to a second online service distinct from the first online service;

wherein a plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users;

wherein the user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user;

wherein the unique identifier includes an electronic mail address.

52. (Cancelled)

53. (Previously Presented) The method of claim 51 wherein obtaining for the user the member identifier further comprises:

soliciting from the user the member identifier of the user; and  
receiving from the user the member identifier of the user.

54. (Cancelled)

55. (Previously Presented) The method of claim 51 wherein obtaining for the user the member identifier used by the user to identify the user to the second online service comprises obtaining the member identifier from an operator of the second online service.

56. (Cancelled)

57. (Cancelled)

58. (Previously Presented) A computer program embodied on a tangible computer readable medium for identifying a user using a user computer system among a group of users, the computer program comprising:

(a) computer code for registering a user by:

(1) obtaining for the user a member identifier; and

(2) after obtaining the member identifier, storing a unique identifier for the user on a user computer system in conjunction with the obtained member identifier; and

(b) computer code for identifying the user by:

(1) soliciting from the user the member identifier of the user;

(2) receiving the member identifier of the user;

(3) reading from the user computer system the unique identifier stored in conjunction with the member identifier received; and

(4) identifying the user using the unique identifier;

wherein the computer program is executed on behalf of a first online service;

wherein obtaining for the user the member identifier comprises obtaining for the user a member identifier used by the user to identify the user to a second online service distinct from the first online service;



wherein a plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users;

wherein the user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user;

wherein the unique identifier includes an electronic mail address.

59. (Cancelled)

60. (Previously Presented) The computer program of claim 58 wherein obtaining for the user the member identifier further comprises:

soliciting from the user the member identifier of the user; and  
receiving from the user the member identifier of the user.

61. (Previously Presented) The computer program of claim 58 wherein obtaining for the user the member identifier used by the user to identify the user to the second online service comprises obtaining the member identifier from an operator of the second online service.

62. (Cancelled)

63. (Cancelled)

64. (Previously Presented) A system for identifying a user using a user computer system among a group of users, the system comprising:

(a) means for registering a user by:

(1) obtaining for the user a member identifier; and

(2) after obtaining the member identifier, storing a unique identifier for the user on a user computer system in conjunction with the obtained member identifier; and

(b) means for identifying the user by:

(1) soliciting from the user the member identifier of the user;

(2) receiving the member identifier of the user;

(3) reading from the user computer system the unique identifier stored in conjunction with the member identifier received; and

(4) identifying the user using the unique identifier;

wherein (a) and (b) operates on behalf of a first online service;

wherein obtaining for the user the member identifier comprises obtaining for the user a member identifier used by the user to identify the user to a second online service distinct from the first online service;

wherein a plurality of users having a same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users;

wherein the user is authenticated to the first online service utilizing the member identifier, the unique identifier, and a password of the user;

wherein the unique identifier includes an electronic mail address.

**IX EVIDENCE APPENDIX (37 C.F.R. § 41.37(c)(1)(ix))**

There is no such evidence.

**X RELATED PROCEEDING APPENDIX (37 C.F.R. § 41.37(c)(1)(x))**

N/A

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. AMDCP061).

Respectfully submitted,

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/932,364

Applicant(s)

COCKRILL ET AL.

Examiner

SETH WEIS

Art Unit

3695

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 17 September 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

As per claim 64, the means plus function as permitted by 35 USC 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. "see operation 805 of Fig. 8" and "see operation 901 of Fig. 9" do not suffice to identify the structure because these are method steps ("operations").

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693